

Message Text

PAGE 01 STATE 163019

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C O N F I D E N T I A L STATE 163019

CINCLANT/CINCPAC FOR POLAD, DAKAR PASS BANJUL

FOLLOWING REPEAT CARACAS 6887 SENT ACTION SECSTATE

USUN NEW YORK JUL 23RD.

QUOTE:

CARACAS 6887

FROM USDEL LOS

EO 11652: GDS

TAGS: PLOS

SUBJECT: LOS: WEEKLY ANALYTICAL SUMMARY - WEEK ENDING JULY 18

1. SUMMARY: FIRST WEEK OF SUBSTANTIVE DISCUSSIONS IN MAIN

CONFIDENTIAL

PAGE 02 STATE 163019

COMMITTEES SAW GENERALLY MIXED RESULTS WITH EMERGENCE BOTH TACTICAL
AND SUBSTANTIVE ISSUES WITH RESPECT, INTER ALIA, TO SCOPE OF
JURISDICTION IN COASTAL ECONOMIC ZONE, AND EXTENT OF AUTHORITY'S
CONTROL RE DEEP SEABED AREA. GROUP OF 5 MET SEVERAL TIMES DURING

WEEK TO DISCUSS STRAITS, FISHERIES, DEEP SEABEDS, AND ECONOMIC ZONE QUESTIONS. U.S. STATEMENT IN COMMITTEE I (SEABED REGIME) EMPHASIZED CONTROL OF SEABED AUTHORITY SHOULD BE CONFINED TO MATTERS DIRECTLY RELATED TO EXPLORATION AND EXPLOITATION OF RESOURCES OF SEABED AREA. INTRODUCTION BY COMMITTEE II (STRATIS, TERRITORIAL SEA, ETC.) CHAIRMAN OF TEXT INCORPORATING MAIN TRENDS OF DEBATE ON TERRITORIAL SEA ITEM WELCOMED BY U.S. AS PROCEDURAL BREAKTHROUGH TO MOVE THROUGH DEBATE ON AGENDA ITEMS AND HAVE A NEGOTIATING TEXT TABLED ON EACH. IN COMMITTEE III CANADA CONTINUED STRONG PUSH FOR ZONAL APPROACH FOR POLLUTION CONTROL WHICH WOULD ENABLE COASTAL STATE TO ESTABLISH AND ENFORCE STANDARDS WITHIN BOARD ZONE CONTIGUOUS TO TERRITORIAL SEA. THIS VIEW HAS SUPPORT ALSO OF STATES OBJECTING TO EXCLUSIVE EMPHASIS ON RESOURCE JURISDICTION IN ECONOMIC ZONE (PERU, TANZANIA, KENYA).

2. COMMITTEE I SEABEDS REGIME (DEEP SEABEDS). COMMITTEE I COMPLETED GENERAL DEBATE JULY 17, AFTER HAVING BEEN ADDRESSED BY SIXTY-EIGHT DELEGATIONS. U.S. REP STEVENSON DELIVERED STATEMENT ON LAST DAY (TEXT REPORTED SEPTEL). HIGHLIGHTS OF WEEK FOLLOW:

(A) RESOURCES IN WATER COLUMN - APPROXIMATELY TEN LDC DELS REFERRED IN STATEMENTS TO NEED FOR INTERNATIONAL REGIME TO BE APPLIED TO RESOURCES IN SUPERJACENT WATERS OF DEEP SEABED. ALTHOUGH WE INTERVENED ON TWO OCCASIONS TO ADVISE COMMITTEE THAT WE BELIEVED THIS SUBJECT TO BE BEYOND MANDATE OF COMMITTEE I AND POTENTIALLY DISRUPTIVE TO PROGRESS OF WORK, MOST STATEMENTS ON THIS ISSUE REFERRED TO DESIRABILITY OF INTERNATIONAL REGULATION OF LIVING AND NON-LIVING RESOURCES IN WATER COLUMN BEYOND COASTAL STATE JURISDICTION AND NEED TO PROTECT MARINE ENVIRONMENT FROM POLLUTION. ECUADOR, PAKISTAN AND BANGALDESH REFERRED TO NEED FOR CONTROLS OVER ALL ACTIVITIES IN OCEAN SPACE. WE BELIEVE PRESSURE TO ENLARGE POWER OF AUTHORITY TO INCLUDE WATER COLUMN IS PRIMARILY BEING GENERATED BY LATIN AMERICANS AS TACTICAL MANUEVER, ALTHOUGH AFRICANS (KENYA AND TANZANIA) MAY BE IDEOLOGICALLY MOTIVATED. THIS IMPRESSION WAS DESCRIBED MOVE AS EFFORT ON PART OF LATINS, WHO BELIEVE ECONOMIC ZONE CONCESSIONS BY MARITIME POWERS TO BE DISENGENUOUS, TO JUXTAPOSE CONCEPT OF INTERNATIONAL SEA AGAINST THEIR CONCEPT OF CONFIDENTIAL

PAGE 03 STATE 163019

NATIONAL SEA IN ORDER TO FORCE GREATER CONCESSIONS ON ECONOMIC ZONE. IN VIEW POSSIBILITY THAT THIS TACTICAL PLOY MAY GARNER SUPPORT AMONG OTHER LDC DELS AND GET OUT OF CONTROL, WE ARE PRESENTLY CONTACTING CONFERENCE LEADERSHIP AND VARIOUS DELS IN ATTEMPT TO DEFUSE ISSUE BEFORE THIS OCCURS, AND THERE ARE SOME SIGNS IT IS DYING DOWN. CONFERENCE PRESIDENT AMERASINGHE INFORMED AMB STEVENSON PRIVATELY THAT HE WOULD WORK TO DEFUSE ISSUE.

(B) EXPLOITATION SYSTEM--OVERALL IMPRESSION OF DEBATE ON THIS ISSUE IS THAT CERTAIN KEY DELEGATIONS (BRAZIL, TRINIDAD & TOBAGO, SRI LANKA, AND KENYA) APPEAR WILLING TO LEAVE ASIDE IDEOLOGICAL DIFFERENCES AND COMMENCE NEGOTIATION ON PRACTICAL ASPECTS OF HOW SYSTEM WOULD FUNCTION. HOWEVER, THESE APPARENT OVERTURES HAVE BEEN SOMEWHAT

BLUNTED BY CONTINUING STRIDENT LATIN AMERICAN POSTURE (EXCEPT FROM BRAZIL) ON ENTERPRISE AND RESOURCES IN WATER COLUMN, AS WELL AS SIGNIFICANT SHIFT BY CERTAIN ASIAN AND EUROPEAN DELS TO SUPPORT OF COMBINATION LICENSING - ENTERPRISE APPROACH. OUR REJECTION OF THIS APPROACH WAS MADE CLEAR IN U.S. REP STEVENSON'S STATEMENT IN COMMITTEE I ON JULY 17.

(C) ECONOMIC IMPLICATIONS - APPEARANCE OF UNCTAD REP IN COMMITTEE I FOR PURPOSE OF ANSWERING QUESTIONS ON UNCTAD ECONOMIC IMPLICATIONS STUDIES DID NOT EVOLVE INTO FULL-SCALE DEBATE ON ISSUE, ALTHOUGH UNCTAD REP UNDOUBTEDLY MADE IMPRESSION ON SOME LDC DELS DAMAGING TO U.S. INTERESTS THROUGH HIS USE OF OVER-SIMPLIFIED CONCLUSIONS BASED ON WHAT WE BELIEVE TO BE ERRONEOUS ASSUMPTIONS. HIS PRINCIPAL CONCLUSION WAS THAT LDC COUNTRIES PRODUCING METALS FOUND IN MANGANESE NODULES WOULD BE ECONOMICALLY HURT WITH THE ADVENT OF DEEP SEA MINING AND THAT STEPS SHOULD BE TAKEN TO PROTECT THESE STATES. U.S. DEL EXPRESSED STRONG DISAGREEMENT WITH ASSUMPTIONS USED IN STUDY AND WITH ITS CONCLUSIONS AND INDICATED FULL AND DETAILED CRITIQUE WOULD BE PROVIDED WHEN COMMITTEE BEGINS TO DEBATE SUBJECT OF ECONOMIC IMPLICATIONS.

SUBSEQUENT REMARKS IN STEVENSON'S GENERAL STATEMENT ON ISSUE MAY INITIATE SOME REVIEW BY LDCS OF THEIR INTERESTS AS CONSUMERS IN NEGOTIATION - A PROCESS WHICH HAS ALREADY BEGUN AS REFLECTED IN SOME PUBLIC STATEMENTS (INDIA, AFGANISTAN, FIJI).

(D) QUOTA - FRANCE, U.K., JAPAN, AND USSR (GROUP OF 5) HAVE
CONFIDENTIAL

PAGE 04 STATE 163019

NOW GONE ON RECORD IN SUPPORT OF SOME LIMITATION ON AMOUNT OF SEABED AREA WHICH SHOULD BE MADE AVAILABLE TO ANY ONE STATE. JAPANESE DEL INFORMED U.S. PRIVATELY THAT ITS SUPPORT OF QUOTA WAS CONSCIOUS DECISION TO ENSURE THAT ATTRACTIVE MINE SITES WOULD BE AVAILABLE FOR JAPANESE COMPANIES DURING SECOND GENERATION MINING. JAPANESE APPARENTLY ARE CONVINCED THAT NUMBER OF CHOICE MINE SITES IS LIMITED AND THAT U.S. COMPANIES WILL OBTAIN THEM ALL IF UNRESTRICTED. UK DEL ALSO INFORMED US THAT POSITION OF EUROPEAN COMMUNITY IS VIRTUALLY UNANIMOUS IN SUPPORT OF QUOTA SYSTEM.

(E) RULES AND REGULATIONS - U.S. DRAFT RULES AND REGULATIONS FOR SEABED MINING ARE BEING INFORMALLY CIRCULATED TO GROUP OF 5 AND OTHER SELECTED DELS. MAJOR AIM IN INFORMAL DISTRIBUTION IS TO CONVINCE LDC DELS THAT MINING REGULATIONS NEED NOT BE TECHNICAL AND THEREFORE CAN BE CONSIDERED AT CONFERENCE. FRG DEL INFORMED US, HOWEVER, THAT THEY BELIEVE U.S. DRAFT TO BE "DISASTROUSLY NON-NEGOTIABLE" AND THAT FORMAL INTRODUCTION MAY IMPAIR CHANCES FOR REGULATIONS DISCUSSION THIS SUMMER. FRG REP SUGGESTED THAT U.S. MAINTAIN DRAFT RULES AS INFORMAL BEHIND-THE-SCENES DOCUMENT AND CHARACTERIZED DRAFT AS EXCELLENT FROM FRG SUBSTANTIVE PERSPECTIVE EXCEPT THAT COMPETITIVE BIDDING IN CASE OF COMPETING APPLICATIONS UNACCEPTABLE TO FRG.

(F) DISPUTE SETTLEMENT - GENERAL STATEMENTS EVIDENCED CLEAR TREND TOWARDS ACCEPTANCE OF NEED FOR COMPULSORY DISPUTE SETTLEMENT PROCEDURES IN DEEP SEABED REGIME.

3. COMMITTEE II (STRATIS, TERRITORIAL SEA, ECONOMIC ZONE, ETC.)

(A) TEXT DEFINING "MAIN TRENDS," PREPARED BY COMMITTEE CHAIRMAN AGUILAR (VENEZUELA), OF DEBATE ON TERRITORIAL SEA WAS OBJECTED TO BY SOME STATES INCLUDING ARCHIPELAGIC STATES WHICH INSISTED THAT REFERENCES TO ARCHIPELAGIC WATERS MUST BE INCLUDED IN DEFINITION OF TERRITORIAL SEA. U.S. IS TAKING VIEW WHICH WAS ALSO EXPRESSED BY THE CHAIRMAN IN TABLING HIS NEXT THAT RELATED ISSUES SUCH AS STRAITS AND ARCHIPELAGOES WHICH ARE SEPARATE AGENDA ITEMS SHOULD BE SEPARATELY CONSIDERED. MANY NON-LATIN DELEGATIONS CRITICIZED THE "MAIN TRENDS" TEXT AS GIVING EQUAL AND THEREFORE UNDUE WEIGHT TO LATIN CONCEPT OF 200-MILE TERRITORIAL SEA.

(B) TURKEY RAISED ISLANDS QUESTION WITH THE U.S. DEL IN STRONGEST CONFIDENTIAL

PAGE 05 STATE 163019

TERMS. TURKS FEAR THAT EXTENSION OF TERRITORIAL SEA TO 12 MILES WOULD EFFECTIVELY CUT OFF TURKISH ACCESS TO HIGH SEAS, AND TO RESOURCES OF ITS OWN CONTINENTAL SHELF. TURKS ARE SEEKING U.S. SUPPORT FOR ITS POSITIONS ON THESE QUESTIONS.

(C) COASTAL STATE GROUP, INCLUDING CANADA AND MEXICO, MET THROUGHOUT THE WEEK IN ATTEMPT TO PRODUCE UNIFIED COASTAL STATE TEXT ON ECONOMIC ZONE.

(D) INFORMAL CONSULTATIONS OF EXPERTS (EVENSEN GROUP) REVEALED STRONG AFRICAN ARGUMENT, SUPPORTED BY CANADA AND CHILE, THAT MARITIME POWER 200-MILE RESOURCE PROPOSALS ARE "NOT AN ECONOMIC ZONE." SEVERAL MOTIVATIONS MAY BE INVOLVED. SOME MAY SEE THIS AS USEFUL TACTICAL PRESSURE. OTHERS MAY BE USING IT AS A CONCEPTUAL BASIS FOR OPPOSING COASTAL STATE DUTY TO PERMIT FOREIGN FISHING IN THE ZONE. AFRICAN COASTAL STATES MAY WISH TO EMPHASIZE SOVEREIGNTY IN THE ZONE IN ORDER TO STRENGTHEN THEIR POSITION AGAINST AFRICAN LANDLOCKED STATES' DEMANDS FOR PARTICIPATION, PARTICULARLY WITH RESPECT TO SEABED RESOURCES. CANADA AND OTHERS PUSHING FOR COASTAL STATE JURISDICTION OVER SCIENTIFIC RESEARCH AND PARTICULARLY VESSEL-SOURCE POLLUTION MAY FEEL THEY MUST ENSURE THAT AGREEMENT IS NOT REACHED ON RESOURCE QUESTIONS WITHOUT CONCOMITANT INCLUSION OF COASTAL STATE RESEARCH AND POLLUTION CONTROLS. PERU CONTINUES TO RAISE DIFFICULT AND DIVISIVE QUESTIONS SUCH AS MILITARY ACTIVITIES IN ZONE.

(E) UNITED STATES CONTINUED PRIVATE DISCUSSIONS WITH ARCHIPELAGO STATES. U.S. REP MOORE MET WITH INDONESIAN MINISTER OF JUSTICE MOCHTAR. DISCUSSION REVEALED SUBSTANTIAL AREAS OF AGREEMENT BETWEEN U.S. AND GOI BUT MAJOR DIFFERENCES TO RESOLVE WITH RESPECT TO OVERFLIGHT IN ARCHIPELAGIC SEALANES, WIDTH OF SUCH SEALANES AND SUPPORT FOR U.S. STRAITS POSITION. MOORE ALSO MET WITH FOREIGN

MINISTER OF BAHAMAS. WIDE DIFFERENCES EXIST BETWEEN U.S. AND BAHAMAS WITH RESPECT TO ARCHIPELAGO THEY DESIRE, ALTHOUGH WE APPEAR TO HAVE COMMON IDEAS ON TRANSIT REGIME NEEDED THROUGHOUT BAHAMIAN ISLANDS.

4. COMMITTEE III: POLLUTION AND SCIENTIFIC RESEARCH

(A) POLLUTION - U.S. PRESENTLY INVOLVED IN BEHIND-THE-SCENES CONTROVERSY REGARDING ORDER OF WORK AND PRESENTATION OF ISSUES
CONFIDENTIAL

PAGE 06 STATE 163019

IN COMPARATIVE TABLE. PROBLEM STEMS FROM DESIRE OF SOME DEVELOPING COUNTRIES LED BY KENYA TO ENSURE THAT ZONAL APPROACH TO POLLUTION CONTROL IS DISCUSSED AS UNITARY CONCEPT COVERING ALL SOURCES OF POLLUTION IN ECONOMIC ZONE. U.S. DISCUSSION BY FUNCTIONAL PROBLEMS (I.E., LAND-BASED, SEABED-BASED, ETC.). USSR REACTION IS TO BEGIN POLLUTION DISCUSSIONS FROM BEGINNING AGAIN, STARTING WITH GENERAL OBLIGATIONS AND AVOID CONTROVERSIAL ISSUES FOR TIME BEING. THIS IDEA IS FAVORED BY INDIA, AMONG OTHERS (APPARENTLY FOR DIFFERENT REASONS), AND RESULT MAY WELL BE SLOW PROGRESS IN INFORMAL SESSIONS OF COMMITTEE III. U.S. HAS PREPARED INFORMAL ANONYMOUS DRAFT BASED ON ARTICLES PRODUCED BY SEABED COMMITTEE LAST YEAR AND ON TEXTS FOR CERTAIN REMAINING ARTICLES. CONTROVERSIAL ITEMS ON STANDARDS AND ENFORCEMENT AGAINST VESSEL POLLUTION AND A FEW OTHER ITEMS NOT INCLUDED. U.S. WILL WORK INFORMALLY, FIRST WITH GROUP OF 5 AND GROUP OF 16, TO ATTEMPT TO REACH AGREEMENT ON THESE TEXTS AND TO NARROW WORK REMAINING FOR COMMITTEE. COMMITTEE III CHAIRMAN YANKOV HAS ENCOURAGED U.S. IN THIS EFFORT.

(B) SCIENTIFIC RESEARCH - DEBATE ON ITEM BEGAN THURSDAY WITH LARGE NUMBER OF LDCS SUPPORTING COASTAL STATE CONSENT REGIME FOR SCIENTIFIC RESEARCH IN ECONOMIC ZONE FOR REASONS OF SECURITY AND TO PREVENT MILITARY USES IN GUISE OF SCIENTIFIC RESEARCH. USSR WHILE REITERATING IN COMMITTEE I STATEMENT OF STANDARD SUPPORT FOR BAN ON MILITARY USES, COUPLED STATEMENT WITH REFERENCE TO PEACEFUL USES AND INDICATED PRIVATELY THAT USSR MAY AT LATER DATE DROP ITS SUPPORT OF MILITARY USES BAN AND CONFINE POSITION TO PEACEFUL USES. IT IS LIKELY THAT IN ADDITION TO RAISING OF SECURITY ISSUES DISCUSSION OF SCIENTIFIC RESEARCH ITEM WILL ALSO BE ADVERSELY AFFECTED BY SUSPICION FOSTERED BY LATIN DELS THAT U.S. PROPOSED "EXCEPTIONS" WITHIN ECONOMIC ZONE WILL GUT CONCEPT OF COASTAL STATE JURISDICTION.

5. COMMENT: NAVIGATION ISSUES SEEM TO BE PROCEEDING ON BETTER TRACK THAN RESOURCE ISSUES. AT END OF WEEK IT APPEARED THAT INITIAL MOMENTUM OF CONFERENCE WAS SUFFERING PARTIAL SLOWDOWN, HOPEFULLY TEMPORARY IN VIEW OF DOMESTIC PRESSURES TO ACHIEVE CONCRETE RESULTS. MOST IMPORTANT FACTOR IS FINAL PUSH OF "COASTAL STATE GROUP" TO REACH AGREEMENT AMONG THEMSELVES AND INTRODUCE ARTICLES, SINCE MEMBERS HAVE BEEN RELUCTANT TO COMPROMISE
CONFIDENTIAL

PAGE 07 STATE 163019

WITH OTHERS BEFORE INTERNAL AGREEMENT IS REACHED. ADDITIONAL FACTOR
WAS U.S. DECISION TO INJECT PESSIMISTIC NOTE IN PRIVATE CONVER-
SATIONS IN RESPONSE TO INJECTION OF QUESTION OF "SOVEREIGNTY"
IN ECONOMIC ZONE AND OF INTERNATIONAL AUTHORITY'S REGULATION
IN WATERS ABOVE DEEP SEABEDS. WE REGARD THIS STAGE AS PROBABLY
A NECESSARY PRELUDE TO INTENSE SUBSTANTIVE EFFORTS.
STEVENSON

UNQUOTE INGERSOLL

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